

of California striped tuna fish, whereas, in truth and in fact, it did not so consist, but did consist in part of Bonita fish. Misbranding was alleged for the further reason that the article was a product composed in part of Bonita fish, and was offered for sale and sold under the distinctive name of another article, to wit, California striped tuna.

On June 12, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10884. Misbranding of Giepsi Vemela. U. S. v. 10 Small Bottles and 11 Large Bottles of Giepsi Vemela. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14946. I. S. Nos. 10796-t, 10797-t. S. No. C-3002.)

On June 16, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 small bottles and 11 large bottles of Giepsi Vemela, remaining in the original packages at El Paso, Texas, alleging that the article had been shipped by the Giepsi Vemela Co., Douglas, Ariz., on or about November 20, 1920 (in part, May 20, 1920), and transported from the State of Arizona into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appeared on the cartons and bottles containing the article and in the accompanying circular, (cartons, English and Spanish) " \* \* \* for the tuberculosis, colds, coughs, anemia and general debility," (bottles, English and Spanish) " \* \* \* It is recommended for tuberculosis, colds, coughs, anemia and general debility \* \* \* In serious cases," (circular, English) "Giepsi Vemela \* \* \* excellent results \* \* \* obtained in the treatment of all impurities of the blood \* \* \* and for the results that have been obtained in the treatment of tuberculosis. \* \* \* For the impurities of the blood, such as pimples, tumors, fistula, swelling of the feet, ankles and legs, and irritation of the blood. \* \* \* For coughs, colds, bronchitis, whooping cough, sore throat \* \* \* If \* \* \* you want your body to be strong to stand the effects of cold weather, we recommend you to take one or two bottles and you will be surprised to see how well it will build you up. For disorders and sickness of the stomach \* \* \* For anemia, tuberculosis and general debility \* \* \* tuberculosis of the stomach and Bowels \* \* \* my stomach was so badly infected that I could not eat \* \* \* Since I have been taking this Giepsi Vemela I can eat any kind of food, and can do a man's work, before taking it I could not. \* \* \* Giepsi Vemela has cured me \* \* \* This medicine is not only a good medicine for Tuberculosis but for coughs and colds, and weak stomach, and lungs." (circular, Spanish) "The Specific 'Giepsi Vemela' Is today recognized among the most highly estimated remedies by the excellent results it has demonstrated in the treatment of diseases of the blood \* \* \* ; also for the results which have been demonstrated in the treatment of Phthisis, even in the third period. \* \* \* impurities of the blood which are manifested in the following forms: Pimples, Tumors, Ulcers in the Throat or Nose, swellings which Appear without Cause, Irritations of the Skin and Lockjaw. This medicine is recommended especially for Anemia, Catarrh, Colds, Bronchitis, Coughs and Whooping Cough, Sore Throat and Hoarseness, for Diseases of the Stomach such as Colic, Sick Stomach, General Debility, Diarrhea and Cramps \* \* \* Tuberculosis, Bronchitis, Catarrhal Colds, Coughs and Whooping Cough, Sore Throat and Hoarseness, Tumors, Fistulas, Swellings, Lockjaw, Blackheads \* \* \* For disease of the stomach, such as sick stomach, colic, general debility, diarrhea and cramps \* \* \* In serious cases \* \* \* I suffered with a cough for ten years \* \* \* A bottle of 'Giepsi Vemela' \* \* \* completely restored my health. \* \* \* as a result of pneumonia I had suffered a serious complication of the stomach called tuberculosis of the large intestine. My brother came to visit me, bringing a bottle of Giepsi Vemela. \* \* \* Having taken the first bottle I felt much better. I took three more and \* \* \* am today completely restored, therefore I recommend it as a marvel \* \* \* For more than a year I suffered with a violent cough \* \* \* Finally 'Giepsi Vemela' was recon-

mended of which I took only two bottles. Today I am entirely well," which said statements regarding the curative and therapeutic effect of the said article were false and fraudulent for the reason that it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the statement appearing in the said circular, written in Spanish, to wit, "The Specific 'Glepsi Vemela' before offered to the public was made to conform to the requirements of the law of the United States of America, which will serve to increase the faith and confidence of those patients who may use this medicine," was false and misleading.

On October 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10885. Adulteration and misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction.** (F. & D. No. 15031. I. S. No. 6609-t. S. No. E-3371.)

On June 8, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Pan-Italian Commission [Commercial] Co., New York, N. Y., on or about April 1, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Montone Brand \* \* \* Pure Italian Olive Oil Extra Virgin \* \* \*."

Adulteration of the article was alleged in substance in the libel for the reason that peanut oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the labels of the cans containing the article bore the following statements, designs, words, and devices, "Olio Di Oliva Di Qualita Extra Superiore Garentito Sotto Analisi Chimica Net Contents One Gallon \* \* \* Pure Italian Olive Oil Extra Virgin" and a design showing olive pickers, which said statements, designs, devices, and words were intended to be of such a character as to induce the purchaser to believe that the said product was olive oil, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil.

On September 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10886. Misbranding of olive oil and salad oil. U. S. v. 37 Cans and 6 Cans of Olive Oil and 40 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and sale or destruction.** (F. & D. Nos. 15100, 15101, 15102. I. S. Nos. 7002-t, 7003-t, 6699-t. S. Nos. E-3400, E-3402.)

On June 29, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 37 quart cans and 6 gallon cans of olive oil and 40 gallon cans of salad oil, remaining unsold in the original unbroken packages at Greenwich, Stamford, and Waterbury, Conn., respectively, alleging that the articles had been shipped by the Southern Importing Co., New York, N. Y., on or about May 4, May 5, and May 14, 1921, respectively, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The olive oil was labeled in part: "Sico Brand Extra Fine Olive Oil \* \* \* Packed by Southern Importing Co., N. Y. \* \* \* 1 Quart Net" (or "1 Gallon Net"). The salad oil was labeled in part: "Il Famoso Olio per Insalata Medaglie Universali Cotton Salad Oil 1 Gallon Net."